

WORCESTER SUPERIOR COURT FIRST CRIMINAL SESSION POLICIES AND PROCEDURES

- A. The First Criminal Session is called daily in Courtroom 18 at 9:30 a. m.
- B. The list is called numerically by indictment number.
- C. The clerk's office has requested that the daily list try not to exceed 30 cases. Attorneys should check the calendars at the clerk's bench to confirm whether a requested date is open.
- D. All criminal matters are managed through the First Session. There are no separate room lists for criminal cases, with the exception of murder cases. The list includes arraignments, dangerousness hearings, probation matters, pre-trial conferences, status conferences, motions (discovery, Dwyer, suppression, dismissal etc.), guilty pleas, bail reviews, competency hearings, assignment of trials and miscellaneous matters (i.e. sealing of records, motions for jail credits, etc.). Requests for search warrants and arrest warrants are generally presented to and heard by the First Session Judge.
- E. All bail reviews and arraignments of incarcerated defendants should be done by video conference. The attorneys representing the defendant shall have access to the private video conference room to prepare for the hearing. If the defendant objects to a video conference the defendant's attorney shall request that the First Session Judge habe the defendant to court at the next earliest possible date.
- F. All trials, except murder trials are scheduled to begin on Mondays. There is a limit of 8 to 10 trials scheduled per week. As the trial date approaches it is incumbent upon the prosecutors and defense attorneys to communicate with the First Session Clerk regarding the status of the case and report whether it will be a disposition or trial. Any requests for continuances must be in writing and allowed by the court.
- G. The First Session Judge and clerk meet every Thursday with either the First Assistant District Attorney or Senior Trial Counsel from the District Attorney's Office to determine which trials are ready for the following week. The First Session Judge then assigns the cases to any open criminal sessions.
- H. Murder cases are scheduled for empanelment on Thursdays with evidence to start the following Monday. All murder cases are assigned to a specific judge by the RAJ, after arraignment and before the first pre-trial conference.
- I. If there are additional trials that cannot be reached by the two criminal trial sessions, the clerk will check with the civil sessions to see if they can take a trial.
- J. Prior to the call of the daily list the First Session Judge meets with the session clerk and courtroom court officer to see if any case with special needs is on the list. (i.e. gang

cases, murder arraignment, difficult inmate, plea with emotional impact statements, etc.).

K. If judges in other criminal sessions and civil sessions are available, matters that require a hearing (e.g. suppression motions, dangerousness hearings) may be sent to that session on first call. In the discretion of the First Session Judge or for expediency, other matters such as requests for search or arrest warrants, return of bills and no-bills by the grand jury may be heard by other judges.

L. Requests for a lobby/sidebar plea discussion by either side will be done at the discretion of the First Session Judge in accordance with Rule 12 (b) (2). If the case has been assigned to a session for trial, the session judge will generally receive and respond to the lobby conference request.